

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

05 CV

5586

VINCENT TREANOR,

Case No. \_\_\_\_\_

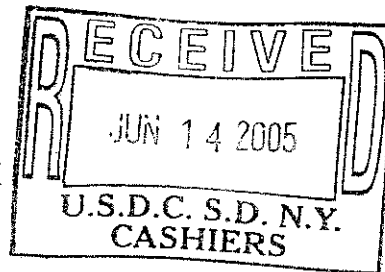
Plaintiff,

- against -

**NOTICE OF REMOVAL**

METROPOLITAN TRANSPORTATION AUTHORITY  
and LONG ISLAND RAIL ROAD,

Defendants.



PLEASE TAKE NOTICE that defendants Metropolitan Transportation Authority and Long Island Rail Road ("Defendants"), by and through their counsel, Mary Jennings Mahon, Esq., Vice President/General Counsel & Secretary for defendant Long Island Rail Road, respectfully notice removal of the above-captioned action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §1441(b), and respectfully state as follows:

1. Plaintiff Vincent Treanor commenced the instant action by filing a Verified Complaint in the Supreme Court of the State of New York, County of New York, under Index No. 107134/05. A copy of the Verified Complaint is annexed hereto as Exhibit "A."
2. Plaintiff brings a civil action for damages against Defendants.
3. The matter in dispute is one in which the District Courts of the United States have original jurisdiction pursuant to 28 U.S.C. §1331 and §1441(b) since it arises under the laws of the United States. More specifically, in the "Fifth Cause of Action" in his Complaint, Plaintiff alleges that Defendants violated the Consolidated Omnibus Budget Reconciliation Act

("COBRA"), 29 U.S.C. §1161, *et seq.*

4. The time for Defendants to answer the state court complaint has not yet expired.

5. A copy of this Notice of Removal will be served upon counsel for Plaintiff, Richard A. Dienst, Esq. of Queller, Fisher, Dienst, Serrins, Washor & Kool LLP, as required by 28 U.S.C. §1446(d).

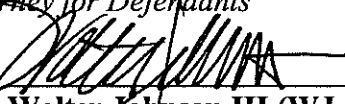
6. A copy of this Notice of Removal will also be filed with the Clerk of the Supreme Court of the State of New York, County of New York, as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendants, Metropolitan Transportation Authority and Long Island Rail Road, hereby remove this action to the United States District Court for the Southern District of New York.

Dated: Jamaica, New York  
June 9, 2005

Respectfully Submitted,

**MARY JENNINGS MAHON, ESQ.**  
**Vice President-General Counsel & Secretary**  
**Long Island Rail Road**  
*Attorney for Defendants*

By:   
**Walter Johnson III (WJ-9265)**  
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(718) 558-8316

**TO:** Richard A. Dienst, Esq.  
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